

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RODNEY LEE BIGLER,  
Plaintiff,

v.

OFFICER DANIEL FORBUS, et al.,  
Defendants.

No. C 09-02498 SBA (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On April 21, 2010, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable because they were unable to find Plaintiff. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Court has rendered its final decision on this matter, therefore, this Order TERMINATES Plaintiff's case.

IT IS SO ORDERED.

DATED: 6/22/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODEY LEE BIGLER,

5 Plaintiff,

6 v.

7 DEANIEL FORBUS et al,

8 Defendant.  
9 \_\_\_\_\_/

Case Number: CV09-02498 SBA

**CERTIFICATE OF SERVICE**

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
11 Court, Northern District of California.

12 That on June 24, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
15 located in the Clerk's office.

16 Rodney Lee Bigler  
17 1010 Emerline Avenue  
18 Building C  
19 Santa Cruz, CA 95060

20 Dated: June 24, 2010

21 Richard W. Wieking, Clerk  
22 By: LISA R CLARK, Deputy Clerk  
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